

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

vs.

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

No. CIV S-01-0507 LKK KJM

DEATH PENALTY CASE

ORDER

In October and December 2007, petitioner submitted reports on the status of discovery on claim 36, the narrowing claim. That discovery is proceeding in Frye v. Ayers, CIV S 99-628 LKK KJM. Sept. 15, 2004 Order, at 3. The court recently ordered the parties in Frye to file a notice of completion when discovery on the narrowing claims is completed. Petitioner shall file a similar notice in this case. In addition, at that time, petitioner shall inform the court when he estimates expert reports on claim 36 will be completed. The undersigned assumes that, as with discovery, expert analysis of the discovered data shall occur only once and will be submitted in both the Frye case and the present case in support of petitioner's narrowing claims.

DATED: January 17, 2008.



U.S. MAGISTRATE JUDGE